

9466. Adulteration of shell eggs. U. S. * * * v. Jesse J. Tucker and Roby A. Huffman (Canton Produce Co.). Pleas of guilty. Fines, \$50. (F. & D. No. 14561. I. S. No. 329-t.)

On May 11, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jesse J. Tucker and Roby A. Huffman, trading as the Canton Produce Co., Canton, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 8, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination of the 360 eggs contained in the consignment by the Bureau of Chemistry of this department showed the presence of 60, or 16.66 per cent, inedible eggs, consisting of mixed or white rots, soured rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 23, 1921, the defendants entered pleas of guilty to the information, and the court imposed fines of \$25 each.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9467. Adulteration and misbranding of Bakers' Whip. U. S. * * * v. 7 Pounds of Bakers' Whip. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14718. I. S. No. 4484-t. S. No. C-2961.)

On April 11, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 pounds of Bakers' Whip, at Austin, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about March 10, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance consisting of a mixture of starch, gum, and baking-powder ingredients, artificially colored, and containing no egg albumen had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly for the said article. Adulteration was alleged in substance for the further reason that the article was colored and stained in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the following statements and claims appearing on each of the cans containing the article, to wit, "Bakers' Whip An Egg Substitute Saves Time Saves Money If you are looking for something to use in place of Eggs, this is it. There Is No Other. Each one pound of Bakers' Whip is equal in strength to 50 Eggs, and should be used in like proportion. * * * each one-fourth lb. of Bakers' Whip is equal to about 13 eggs, * * * Manufactured exclusively by W. B. Wood Mfg. Co. * * * St. Louis, Mo.," were false and misleading in that the contents of the cans on which the above-quoted statements appeared were not equal in strength to 50 eggs, that one-fourth pound thereof was not equal to about 13 eggs, that it was not an egg substitute and was not capable of being used in place of eggs, and that in the manner and form as above set forth the said article was labeled and branded so as to deceive and mislead the purchaser thereof.